

BEST AVAILABLE COPY

Application No.: 10/715747

Case No.: 59137US002

REMARKS

Claims 1 to 20 are pending. Claims 1-3, 5, 16 and 18 have amended. Claim 20 has been cancelled without prejudice. Applicant reserves the right to file a continuation application directed to the subject matter of claim 20.

Double Patenting Rejection

Claims 1-2, 4-7, 9, 12-18 and 20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 and 11-16 of copending application 10/715,637 now issued as US Patent No. 6,938,866.

Along with this paper, Applicant submits a terminal disclaimer under 37 CFR § 1.321 to overcome the double patenting rejection.

Claim Objections

Claims 1-6, 16 and 18 stand rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 1-3, 5, 16 and 18 have been amended to provide the proper antecedent basis.

Applicant that the rejection of claims 1-6 under 35 USC § 112, second paragraph, has been overcome, and that the rejection should be withdrawn.

§ 102 Rejections

Claims 1-12 and 15-20 stand rejected under 35 USC § 102(e) as being anticipated by Hagglund et al. (US 6,536,728 B1 referred to as "the '728 patent"). Applicant respectfully traverses the rejection for the following reasons.

With the claim amendments, claim 20 has been cancelled.

The '728 patent is directed to adjustable keyboard support assembly 10 having housing 12 connected to keyboard tray 14 by first side arm 16 and second side arm 18. See col.2, lines 55-58. With reference to Figures 6a through 6d, the side arms include four notches 82a through 82d. Latching member 84 is also shown as a generally J-shaped member having straight portion

Application No.: 10/715747Case No.: 59137US002

86 and hook portion 88. See col. 6, lines 28-30. When hook portion 88 is engaged with notch 82a, keyboard tray 14 is positioned at a first height relative to work surface 26. Engagement of hook portion 88 with each subsequent adjacent notch (indicated as notches 82b through 82d) positions keyboard tray 14 at increasing distances from work surface 26. See col. 6, lines 46-48. Looking specifically at Figure 6a, if one were to draw an imaginary arm axis from the pivot point 80 to the point where arm 18 connects with keyboard tray 14, that imaginary line would be an arm axis. If one were to measure the vertical distance between notches 82a, 82b, 82c, and 82d and the imaginary arm axis, it would be all of the same height.

The arm design of the '728 patent, especially near pivot point 81 is very different than Applicant's arm design. That is, the arm design of the '728 patent does not use a non-uniform arm, as Applicant has used in the instant application. Furthermore, the '728 patent does not suggest the use of an arm design where the vertical distance between the notch and the imaginary arm axis increases. As recited in Applicant's claims 1 and 18, the arm positioning dimension 92 increases from a portion of the positioning surface most distal from the rear pivot point (notch 20A) to a portion of the positioning surface most proximate to the rear pivot point (notch 20D) because the arm bows out (i.e., it is not uniform as compared to the first end 64 of the arm) near the second end 78.

The rejection of claims 1-12 and 15-20 under 35 USC § 102(e) as being anticipated by the '728 patent has been overcome and should be withdrawn.

§ 103 Rejections

Claims 13 and 14 have rejected under 35 USC § 103(a) as being unpatentable over the '728 patent.

Claims 13 and 14 each add additional features to claim 1. Claim 1 is patentable for the reasons given above. Thus, claims 13 and 14 are likewise be patentable.

In summary, the rejection of claims 13 and 14 under 35 USC § 103(a) as being unpatentable over the '728 patent has been overcome and should be withdrawn.

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration of the application is requested.

Application No.: 10/715747Case No.: 59137US002

Allowance of claims 1-19, as amended, at an early date is solicited.

Respectfully submitted,

29 November 2005
Date

By: Yen Fong Morczak
Yen Fong Morczak, Reg. No.: 45,163
Telephone No.: 651-737-0710

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833